

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IMMUNEX CORPORATION;)	
AMGEN MANUFACTURING, LIMITED;)	
and HOFFMANN-LA ROCHE INC.;)	Civil Action No.: 2:16-cv-01118-CCC-MF
)	
Plaintiffs,)	
)	
v.)	
)	
SANDOZ INC.; SANDOZ)	
INTERNATIONAL GMBH; and SANDOZ)	
GMBH;)	
)	
Defendants.)	

STIPULATED PERMANENT INJUNCTION

THIS MATTER was brought by Plaintiffs, Immunex Corporation, Amgen Manufacturing, Limited (collectively, “Immunex”) and Hoffmann-La Roche Inc. (“Roche”), against Defendants, Sandoz Inc., Sandoz International GmbH, and Sandoz GmbH (collectively, “Defendants”). After a bench trial, the Court issued its Opinion and Order in the above-captioned case on August 9, 2019 (ECF No. 689, 690).

IMMUNEX AND DEFENDANTS STIPULATE as follows, and Roche does not object:

1. The Court will enter a specific form of Final Judgment and Order of Permanent Injunction in the form attached hereto and Defendants agree to be bound by its terms.
2. Immunex and Defendants waive the entry of findings of fact and conclusions of law under Rule 65 of the Federal Rules of Civil Procedure.
3. Defendants, and each of them, and each of their affiliates, subsidiaries, successors, and partners, and all of their officers, agents, servants, employees, and attorneys, and all persons and entities acting on behalf or at the direction of, or in active concert or participation or privity with any of them, are hereby enjoined from making, using, offering to sell, or selling

within the United States, or importing into the United States any product containing etanercept. This paragraph does not restrict Defendants' activities that fall within the scope of 35 U.S.C. § 271(e)(1). This permanent injunction shall terminate no later than the later of the expiration of any infringed and valid claim of the '182 Patent on November 22, 2028 or any infringed and valid claim of the '522 Patent on April 24, 2029.

4. Upon issuance of the Court's permanent injunction in the form of the attached, the prior stipulated preliminary injunctions and Orders thereon (ECF Nos. 95, 96, 509, and 510) will be terminated, except that Paragraph 5(b) of Confidential ECF No. 510 remains in effect until the issuance of a mandate from the Federal Circuit and Paragraph 8 of Confidential ECF No. 510 remains in effect until the conclusion of (or expiration of time to seek) review by the United States Supreme Court of the Federal Circuit's decision and shall terminate if any one of claims 11-12 and 35-36 of the '182 Patent or claims 3, 8, and 10 of the '522 Patent is not rendered invalid following the conclusion of (or expiration of time to seek) such review.

5. In view of this permanent injunction, the Court need not order permanent injunction discovery.

Date: October 7, 2019

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SO ORDERED:

Dated: October 8, 2019

A handwritten signature in black ink, consisting of a stylized 'C' followed by a series of loops and a final horizontal stroke.

Hon. Claire C. Cecchi, U.S.D.J.